

MOTION BY SUPERVISOR MICHAEL D. ANTONOVICH

OCTOBER 28, 2008

Conditional Use Permit No. 200500005-(5) is an application to allow a commercial water hauling business in Sleepy Valley. The applicant has submitted documentation supporting his claim that this project will not adversely impact surrounding wells in the community. County engineers in the Department of Public Works have reviewed this evidence and agree that the proposed well, as conditioned, will not adverse well operations on surrounding properties. The Department of Regional Planning recommends approval and has imposed numerous conditions that restrict the amount of water that can be pumped, limit the number of daily truck trips, and require detailed submittal of pumping volumes and well levels.

There has been testimony today, and I have received letters from residents, concerned about the potential impacts of this project. No evidence, however, has been submitted to prove these allegations. The applicant filed his application several years ago, and my staff has met with Sleepy Valley residents many times, including during the early stages of the County's review of this project. The Regional Planning Commission heard from these residents and still voted unanimously to approve this Conditional Use Permit application.

Although staff and the Commission imposed conditions, concerns remain about whether these conditions are adequate to protect the surrounding community. My motion will therefore include conditions to further protect this community and prevent future conflicts and code enforcement issues.

- M O R E -

MOTION

MOLINA _____

YAROSLAVSKY _____

KNABE _____

ANTONOVICH _____

BURKE _____

I, THEREFORE, MOVE that the Board of Supervisors:

- Close the public hearing;
- Deny the appeal filed by Katherine M. Sloan;
- Adopt the Mitigated Negative Declaration that was recommended by the Regional Planning Commission;
- Indicate the Board's intent to approve Conditional Use Permit Project No. 200500005-(5);
- Direct the County Counsel and Director of Regional Planning to modify the conditions of approval to:
 - Require that the applicant hire a third-party consultant, acceptable to the Department of Regional Planning, to conduct 4 inspections per year (2 announced and 2 un-announced inspections) to monitor the project in terms of compliance with conditions of approval relevant to truck trips, record-keeping, maintenance and validity of State and County permits, and other relevant conditions of this grant, as determined by the Department of Regional Planning;
 - Require that the applicant hire a third-party engineer, acceptable to the Department of Public Works, to calibrate, gauge, and inspect all water wells, pumping equipment, and gauges to insure the proper operation and accuracy of equipment, at least twice a year (or more if so deemed necessary by staff), and submit findings and recommendations to the Department of Public Works;
 - Modify Condition No. 9 to eliminate the Director's Review of an extension, instead requiring that upon the expiration of this grant in 5 years, that the Regional Planning Commission shall review and consider an additional 5-year or 10-year term at a noticed public hearing; and
- Direct the County Counsel to prepare the final findings and conditions necessary for this approval and to bring it back to a future Board of Supervisors meeting.

#